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C O N F I D E N T I A L BOGOTA 004986

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TAGS: [KJUS](#) [PGOV](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: PEACE COMMISSIONER SAYS GOC SHOULD HOLD ELN
ACCOUNTABLE FOR ITS ACTIONS

Classified By: Ambassador William B. Wood.
Reasons: 1.4 (b) and (d)

SUMMARY

¶1. (C) In a May 26 meeting with Peace Commissioner Luis Carlos Restrepo, the Ambassador said the GOC should apply Justice and Peace Law to the ELN. Restrepo agreed, but said he had found it difficult to persuade others outside of the GOC of the view. Restrepo told the Ambassador that the Cubans helped keep the ELN talks on track in Havana, one important reason to keep future sessions on the island. End summary.

ELN EXEMPTED FROM JUSTICE

¶2. (C) The Ambassador told Restrepo the USG supports the GOC-ELN peace talks, but believes the Justice and Peace (J&P) Law should also be applied to ELN members and not just the paramilitaries. (In a previous conversation, Senator Rafael Pardo had supported this position.) He noted a growing consensus to exempt the ELN from the Law even though it was intended for all illegal armed group members. Although the ELN is not as involved in narcotrafficking as the AUC, it has been involved in anti-government terrorism for over four decades. For the past six years, Cid-Gallup polls show that public support for the ELN has not surpassed 4 percent, while the paramilitaries' support has been around 14 percent. Therefore, the general public is likely to support a harder stand against the ELN. The GOC should persuade the European Union to be as tough on the ELN as it has been on the paramilitaries, he said.

¶3. (C) Restrepo agreed, stating that he has been trying to convince others to hold the ELN to the same criteria as the

paramilitaries. Restrepo said the GOC is alone in this struggle. He had tried to sway the Church, political parties, journalists, and the "Group of Friends" (Spain, Switzerland, and Norway), without much success. Restrepo recounted his March testimony to the Colombian Congress on the ELN talks, during which some Liberal Party members suggested ways to assist the ELN's transition from an illegal armed group to a political party. This was also evident in publications by Friedrich Ebert Stiftung Foundation in Colombia (FESCOL) and the United Nations Development Program (UNDP). In UNDP's last two issues, one was focused on the justice side of the paramilitary process, while the following issue focused on the peace side of the ELN process with no mention of justice. According to Restrepo, the belief is that the ELN was never interested in making money in narcotrafficking compared to the paramilitaries. Restrepo said this perspective glosses over the extortion and kidnapping to "finance their cause." In the meantime, ELN leaders, such as military commander and negotiator Antonio Garcia, are trying to find ways to launder their money overseas.

ELN'S ARROGANCE PERMEATES EXPLORATORY TALKS

¶4. (C) Restrepo said during the third round of the formal exploratory phase in Havana between April 25 and 28, the ELN intended to suspend the talks, but it was unable to do so because of Cuban pressure. Restrepo noted that the attempted suspension was probably in response to demands from the FARC and other groups to hinder progress since the presidential election was one month away. Nevertheless, the timing was

inappropriate since the round coincided with a trip from Venezuelan President Chavez and Bolivian President Morales to the island and the Cubans probably did not want to distract from their visit. Restrepo said Cuba's positive influence in this case highlights the importance of having the talks in Havana. Restrepo claimed that it is in Cuba's interest that the talks succeed. Moreover, Colombia's Ambassador to Cuba, Julio Londono, was told recently that Cuba would be willing to pressure the ELN for a cease-fire.

¶5. (C) Restrepo added that he is tired of backroom deals between the international observers and the ELN made without GOC knowledge. When he met with the Swedish Ambassador recently, he was upset to find out that Sweden had already approved giving Garcia over COP 190 milion (approximately USD 86,000) for his general expenses in the coming months. He also was not told until later that Norway was paying for Garcia's trips between Havana, Caracas, and Bogota. The Peace Commissioner was frustrated; he has tried on several occasions to garner the Group of Friends, confidence and support, but instead they pressure him to be more flexible with the ELN.

TAKEN ABACK BY CASTRO, CHAVEZ, AND MORALES

¶6. (C) Restrepo related his experience in being on the island simultaneously with Castro, Chavez, and Morales. He came away fascinated and with a clearer idea of the extent of the influence they had in the region. He was impressed to see the level of support and representation that several countries had at this gathering, including countries as small as El Salvador. It made him realize that even though Colombia is not interested in being part of this "new wave," it cannot avoid it. The Ambassador said Colombia's challenge is to show the region that there are viable alternatives to these leftist governments.

WOOD